



4. Shortly before the oral argument, we were told that January 17, 2017 was Your Honor's first day back from holiday vacation, and that Your Honor had not yet read the papers filed in connection with the motions *in limine*.

5. At this time, we were asked to provide the Court with a copy of the papers, which had previously been provided and are, in total, approximately five inches thick.

6. Very shortly thereafter, Your Honor took the bench and began making rulings and preliminary rulings despite apparently having not read the papers.

7. Indeed, it appeared the Court was making rulings based solely on the titles of the motions, which were listed in a letter filed by Ms. Sharkey the night before.

8. Attached hereto as **Exhibit A** is a true and correct copy of relevant excerpts from the transcript of the pretrial conference held before Your Honor on January 17, 2017 in this action.

9. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiff's pre-motion conference letter in anticipation of the instant motion, dated January 26, 2017, which was emailed to Your Honor's chambers and Defendants' counsel.

10. I certify that the instant motion and the Affidavit of Jennifer Sharkey in support thereof are submitted in good faith.

11. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: March 20, 2017  
New York, New York

  
Douglas H. Wigdor